

Docket No.: 60,130-884  
811-7725#2e  
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1/11/0**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Thomas, et al.  
Serial No.: 09/647,126  
Filed: September 26, 2000  
Group Art Unit: 3613  
Examiner: Siconolfi, Robert  
Title: DISC BRAKE SEAL ASSEMBLY

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Washington, D.C. 20231

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**REPLY BRIEF**

Box AF  
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Washington, D.C. 20231

Dear Sir:

This is in reply to the Examiner's Answer mailed November 15, 2002. The Examiner's Answer raises three arguments which require some brief response.

**ARGUMENTS RELATING TO ENGAGEMENT OF FRICTION RING WITH  
UNTREADED PORTION**

First, beginning on page 3, the Examiner argues that Baumgartner discloses that the inner diameter of the seal has a smaller diameter than the outer diameter of the shaft. Therefore, the Examiner argues, the seal does not have to contact a threaded portion of the shaft.

**Answer:**

As the friction ring 80 of Baumgartner engages a threaded portion of the spindle 70, a frictional torque is created on the spindle 70 to prevent rotation when shaken. The engagement of the friction ring 80 with the threads of the spindle 70 provides this benefit. If the friction ring 70 of Baumgartner contacted an unthreaded portion of the adjusting spindle 70 as suggested by Angerfors, the disclosed benefit would be ruined or reduced in

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effectiveness. It is basic patent law that a proper suggestion to combine cannot ruin a goal or feature of the base reference. There is no proper suggestion to combine the references, and Applicant's claims are not obvious.

#### **ARGUMENTS RELATING TO A FURTHER SEAL**

The Examiner also argues that the further seal is not required in Applicant's claims 20, 21, 27 and 28

##### Answer:

Claims 20, 21, 27 and 28 clearly require a further seal that engages a smooth sealing surface of the support element. As stated in the claims, the seal device requires "a further seal carried by an adjacent structure." The Examiner concedes that Baumgartner does not disclose a further seal that engages a smooth portion of the spindle 70 as required by Applicant's claims. These claims specifically require that the support provides a smooth sealing surface and a further seal engages the smooth sealing surface. Therefore, a rejection based on obviousness is improper for Claims 20, 21, 27 and 28.

#### **ARGUMENTS RELATING TO LOCATION OF SUPPORT ELEMENT**

Finally, the Examiner also argues that Claims 22, 23, 29 and 30 do not require that the support element is directly contacted by the sleeve.

##### Answer:

Claims 23 and 30 require that the support element rests against the sleeve. As claimed, "an annular base of said support rests, in use, against said adjacent end of said sleeve." Claims 22 and 29 require that the support element is carried externally by the sleeve. Neither Baumgartner nor Angerfors discloses that a support element rests against or is carried by a sleeve. In Baumgartner, as shown in Figure 1B, the angular part 81 does not rest against or is carried by the sleeve as required by Applicant's claims, but rather rests against and is carried by the seal 80. Angerfors does not suggest any support element. As neither reference discloses or suggests a support element that rests against

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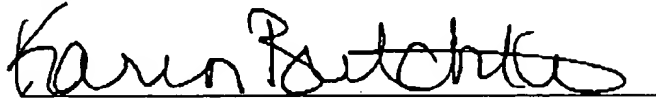
an adjacent end of a sleeve, claims 22, 23, 29 and 30 are further not obvious in view of Baumgartner and Angerfors.

**CLOSING**

For the reasons set forth above, and for the reasons set forth in the main brief, the rejection must be reversed.

Respectfully Submitted,

**CARLSON, GASKEY & OLDS**



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Dated: January 8, 2003

**CERTIFICATE OF FACSIMILE**

I hereby certify that this Reply Brief and associated documents are being facsimile transmitted in triplicate to Assistant Commissioner of Patents, Washington, D.C., Art Unit 3613, After Final, (703) 872-9327, on January 8, 2003.



Tracy Belanger

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